

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

_____	)	
SECURITIES INVESTOR PROTECTION	)	12 Misc. 115 (JSR)
CORPORATION,	)	
Plaintiff-Applicant,	)	
	)	
v.	)	SIPA Liquidation
	)	
BERNARD L. MADOFF INVESTMENT	)	(Substantively Consolidated)
SECURITIES LLC,	)	
	)	
Defendant.	)	
_____	)	
In re	)	
	)	
BERNARD L. MADOFF,	)	
	)	
Debtor.	)	
_____	)	
IRVING H. PICARD, Trustee for the	)	
Liquidation of Bernard L. Madoff Investment	)	
Securities LLC,	)	
Plaintiff,	)	11 Civ. 6877 (JSR)
	)	
ABN AMRO BANK (IRELAND) LTD.	)	
(F/K/A FORTIS PRIME FUND	)	
SOLUTIONS BANK (IRELAND) LTD.),	)	
ABN AMRO CUSTODIAL SERVICES	)	
(IRELAND) LTD. (F/K/A FORTIS PRIME	)	
FUND SOLUTIONS CUSTODIAL SERVICES	)	<u>ORAL ARGUMENT REQUESTED</u>
(IRELAND) LTD.), and RYE SELECT BROAD	)	
MARKET XL FUND, LP,	)	
	)	
Defendants.	)	
_____	)	

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the annexed Declaration of Christopher R. Harris, dated July 24, 2012, and the accompanying Memorandum of Law, dated July 24, 2012, the undersigned, on behalf of ABN AMRO Bank (Ireland) Ltd. (f/k/a Fortis Prime Fund Solutions Bank (Ireland))<sup>1</sup> and ABN AMRO Custodial Services (Ireland) Ltd. (f/k/a Fortis Prime Fund Solutions Custodial Services (Ireland) Ltd.) (together, “Defendants”), hereby moves this Court, before the Honorable Jed S. Rakoff, United States District Judge, at the United States Courthouse, 500 Pearl Street, Courtroom 14B, New York, New York 10007, for an Order dismissing Counts One and Three of the Amended Complaint on the grounds that they are either barred by section 546(g) of the Bankruptcy Code or inadequate because they are unsupported by sufficient factual allegations.

PLEASE TAKE FURTHER NOTICE that pursuant to the schedule approved by the Court during the conference call held on July 13, 2012, the Trustee’s opposition papers shall be submitted on or before August 14, 2012, Defendants’ reply papers shall be submitted on or before August 28, 2012, and oral argument shall be heard on September 6, 2012 at 4:00 p.m.

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<sup>1</sup> Now known as ABN AMRO Retained Custodial Services (Ireland) Limited.

Dated: July 24, 2012  
New York, New York

LATHAM & WATKINS LLP

By: /s/ Christopher R. Harris  
Christopher R. Harris

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Ltd. (f/k/a Fortis Prime Fund Solutions Bank  
(Ireland) Ltd.) (n/k/a ABN AMRO Retained  
Custodial Services (Ireland) Limited) and  
ABN AMRO Custodial Services (Ireland)  
Ltd. (f/k/a Fortis Prime Fund Solutions  
Custodial Services (Ireland) Ltd.)*